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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,780	01/18/2002	Shunichi Kaizu	862.2490	9558
5514	7590	07/11/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			POON, KING Y	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



***Election/Restrictions***

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

I. Species of the embodiment disclosed in fig. 1, fig. 3; the first embodiment, page 12, lines 17-25, specification.

II. Species of the embodiment disclosed fig. 4, fig. 5; the second embodiment, page 21, line 19.

Note: fig. 3 has a preservation operation and fig. 5 has two preservation processes.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Applicant's reply to the first restriction requirement mailed on 3/13/2006 has been considered. The applicant is electing species of the second embodiment to be examined and have identified claims 1-6, 9-18 to be generic. The examiner has examining the second embodiment in detail and cannot follow applicant in identifying claims 1-6, 9-18 as generic to the second embodiment.

Step S23, fig. 5, is the "start image processing" step corresponds to the first image processing step performed by the first image processing means of claim 1. Page 22, lines 20-27, specification states that steps S20 to S28 and steps S33to S356 are steps S0-S8, and steps S9 to S11. Examiner believes S23 corresponds to S3 of fig. 3.

Page 16, lines 14-30 disclosed that image processor processing input image data at step S3. Claim 1 is claiming preservation means for preserving the result of processing on the image data by the second processing means, in correspondence with a predetermined amount of image data output by the output control means. The output control means outputting image data processing by the second image processing

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means. Second image processing means process image data processed by the first image processing means.

The examiner believes S 25 of fig. 5 is S5 of fig. 3. Page 11, lines 13-25 teaches storing an image processing result by the first image processing means as a preservation process (note: the result of processing image data by the second image processing means is not available because the image data processed by the first processing means has not been processed by the second image processing means during preservation operation)

Therefore, claims 1-6, 9-18 does not appears to be generic. Furthermore, embodiment two appears to have two preservation processes while the embodiment one only has one preservation process. The claims appear to be directed to the embodiment that is having one preservation process.

Applicant is requested to: 1) re-identified claims that read on embodiment two.

2) Explain why claims 1-6, 9-18 are generic; especially explained how it is possible to preserve the result of S7 in S5 before S7 has been carried out in fig. 3.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is 571-272-7440. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 4, 2006



**KING Y. POON**  
**PRIMARY EXAMINER**